

**TERMINATION OF RESTRICTIVE COVENANT**  
**FOR**  
**ZONING CASE: C14R-86-057**

Owner	Schuh Family Limited Partnership, a Texas limited partnership
Address	2605 Pearce Road, Austin, Texas 78730
City	The City of Austin, a home-rule city, municipal corporation and political subdivision of the State of Texas, in Travis County, Texas
City Council	The City Council of the City of Austin
Consideration	Ten and No/100 Dollars (\$10 00) and other good and valuable consideration paid by the Owner to the City of Austin, the receipt and sufficiency of which is acknowledged

WHEREAS, Braker Bend Development, Inc., a Texas corporation, of Travis County, Texas, as owner of all that certain property described in Zoning Case No C14R-86-057 (the "Property"), as more particularly described in the restrictive covenant recorded in the Real Property Records of Travis County, Texas, in Volume 10229, Page 720, (the "Restrictive Covenant"), imposed certain restrictions and covenants on the Property by the Restrictive Covenant of record, and,

WHEREAS, the Restrictive Covenant provided that the covenant could be modified, amended, or terminated by joint action of both (a) a majority of the members of the City Council and (b) the Owner of the Property at the time of such modification, amendment or termination, and,

WHEREAS, the Schuh Family Limited Partnership, a Texas limited partnership, is the sole and current owner (the "Owner") of the Property and now desires to terminate the Restrictive Covenant, and,

WHEREAS, the City Council and the Owner, agree the Restrictive Covenant should be terminated,

NOW, THEREFORE, for and in consideration of the premises and mutual promises, covenants, and agreements hereinafter set forth, the City of Austin and the Owner, agree as follows

1 The Restrictive Covenant is terminated by this termination. Each and every one of the terms, conditions, and provisions of the Restrictive Covenant, as set forth in the Restrictive Covenant, shall have no force or effect on and after the effective date of this termination.

2 The City Manager, or her designee, shall execute, on behalf of the City, this Termination of Restrictive Covenant for Zoning Case No C14R-86-057 as authorized by the City Council of the City of Austin. This Termination of Restrictive Covenant shall be filed in the Official Public Records of Travis County, Texas, which will terminate the document of record in Volume 10229, Page 720.

EXECUTED this the \_\_\_\_\_ day of \_\_\_\_\_, 2008

**OWNER:**

**Schuh Family Limited Partnership  
a Texas limited partnership**

By DKO Commercial Development, LLC,  
a Texas limited liability company,  
its general partner

By \_\_\_\_\_  
Dwain J. Schuh,  
Managing Member

**CITY OF AUSTIN:**

By \_\_\_\_\_  
Laura J. Huffman,  
Assistant City Manager,  
City of Austin

**THE STATE OF TEXAS       §**  
**§**  
**COUNTY OF TRAVIS       §**

This instrument was acknowledged before me on this the \_\_\_\_\_ day of \_\_\_\_\_, 2008, by Dwain J. Schuh, Managing Member of DKO Commercial Development, LLC, a Texas limited liability company, general partner of Schuh Family Limited Partnership, a Texas limited partnership, on behalf of the limited liability company and the limited partnership

\_\_\_\_\_  
Notary Public, State of Texas

THE STATE OF TEXAS

COUNTY OF TRAVIS

§  
§  
§

This instrument was acknowledged before me on this the \_\_\_\_\_ day of \_\_\_\_\_ 2008, by Laura J Huffman, as Assistant City Manager of the City of Austin, a municipal corporation, on behalf of said municipal corporation

\_\_\_\_\_  
Notary Public, State of Texas

**After Recording, Please Return to:**  
**City of Austin**  
**Department of Law**  
**P. O. Box 1088**  
**Austin, Texas 78767-1088**  
**Attention: Diana Minter, Paralegal**